

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK**

In RE:

**MOTION TO MODIFY PLAN
POST-CONFIRMATION**

Tamieka S. Starling,

**BK. NO. 19-10528
CHAPTER 13**

Debtor.

WILLIAM F. BERGLUND, ESQ., attorney for the debtor, respectfully states:

1. That he is the attorney of record for the Chapter 13 debtor above and is fully familiar with all of the facts and circumstances surrounding the within application to the Court.
2. Your deponent prepares this motion in support of an application for an Order allowing the Plan previously confirmed to be modified.
3. The debtor filed her Chapter 13 bankruptcy petition on March 25, 2019.
4. The deadline for all creditors (except a governmental unit) to file a proof of claim was June 3, 2019.
5. The debtor's Plan was confirmed with a total monthly payment due from the debtor of \$1,000.00 for sixty (60) months. The Order Confirming Chapter 13 Plan was signed on July 16, 2019 and filed with the Court on July 17, 2019.
6. The debtor's \$1,000.00 monthly Plan payment is comprised of \$600.00 per month for Rushmore Loan Management Services ("Rushmore"), the first mortgage holder on debtor's primary residence, and \$400.00 for other creditors.
7. Pursuant to the debtor's Plan, general unsecured creditors shall be paid 0%.
8. The debtor now seeks to modify her monthly plan payment because she has secured a mortgage modification trial plan for the months of September 2019, October 2019 and

November 2019 through the Bankruptcy Court's Loss Mitigation program. If the trial plan is successful, the debtor's mortgage with Rushmore will be permanently modified, and her arrears will be reduced to \$0.00.

9. The monthly modification trial plan mortgage payments presently being paid by the debtor directly to Rushmore are in the sum of \$1,033.61. As such, it is no longer necessary for the Chapter 13 Trustee to reserve \$600.00 per month for Rushmore.

10. Accordingly, it is requested that the debtor's Plan payments in the sum of \$1,000.00 per month for 60 months be decreased to \$300.00 per month commencing with the payment due for September 2019 in order to satisfy all priority and administrative claims, with unsecured creditors being paid 0%. It is further requested that the Chapter 13 Trustee release any funds previously being reserved for Rushmore, and that those funds be used to pay priority and administrative claims in the debtor's case, and that the Trustee no longer reserve any portion of the debtor's future Plan payments for Rushmore.

WHEREFORE, your deponent respectfully requests that the debtor's Confirmation Order be modified to decrease the plan payments to \$300.00 per month commencing with the payment due for September 2019, and that the Trustee no longer reserve or hold any money for Rushmore, and with the Trustee to release any funds previously being held for Rushmore to satisfy priority and administrative claims, and with unsecured creditors being paid 0%, together with such other, further and different relief as to the Court may appear just and proper.

Dated: August 2, 2019

A handwritten signature in black ink, appearing to read 'William F. Berglund', is written over a horizontal line.

William F. Berglund, Esq.
O'Connell & Aronowitz, PC
Attorneys for Debtor
Office & P.O. Address
54 State Street – 9th Floor
Albany, NY 12205
(518) 462-5601